

REMARKS

[0001] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 C.F.R. §1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-18, and 37 are presently pending. Claim 1 is amended herein; no claims are withdrawn or cancelled herein; and new claim 37 is added herein.

Statement of Substance of Interview

[0003] The Examiner contacted me by phone on August 2, 2007 to discuss a possible claim amendment. Applicant greatly appreciates the Examiner's willingness to initiate such a call. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0004] During the interview, we discussed the possibility of amending the claims to specify that a "portion" is less than the whole. We agreed that such an amendment would overcome the cited references (i.e., Boucher, Schaar, and Hazra), and I authorized an Examiner's amendment based on that agreement.

[0005] The Examiner's summary of the above-referenced interview indicates that, upon further search, the Examiner identified another reference (Laks –

Lakshminarayanan, US Patent No. 5,933,540) that, in the Examiner's opinion could be used to reject the claims if amended according to the interview discussion.

[0006] Applicant appreciates the Examiner's input, but respectfully disagrees with the analysis of the Laks reference, as will be discussed below with reference to the rejection of claim 1.

[0007] Accordingly, Applicant herein amends the claims in the manner discussed during the interview, and submits that the pending claims are allowable over the cited art of record (and the Laks reference) for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claim 1 herein.

[0011] Furthermore, Applicant adds new claim 37 herein. This new claim is fully supported by the Application and therefore does not constitute new matter.

Substantive Matters

Claim Rejections under § 103

[0012] The Examiner rejects claims 1 and 3-18 under §103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0013] Accordingly, Applicant respectfully requests that the §103 rejections be withdrawn and the case be passed along to issuance.

[0014] The Examiner's rejections are based upon the following references alone and/or in combination:

- **Boucher:** *Boucher, et al.*, US Patent No. 6,675,387;
- **Schaar:** *van der Schaar, et al.*, US Patent No. 6,785,334; and
- **Hazra:** *Hazra*, US Patent No. 6,510,553.

[0015] In the Examiner's Interview Summary of the interview that was conducted on August 02, 2007, the Examiner also references **Laks: Lakshminarayanan**, US Patent No. 5,933,540.

Overview of the Application

[0016] The Application describes a technology for encoding and transmitting a static image at a lower than maximum quality and then improving the quality of the image or parts thereof over time, if the image is indeed static.

Cited References

[0017] The Examiner cites Boucher as the primary reference in the obviousness-based rejections. The Examiner cites Schaar and Hazra as the secondary references in the obviousness-based rejections.

Boucher

[0018] Boucher describes a technology for preparing multimedia data using pre-rendering and encoding techniques that format the video image data into fat macroblocks.

Schaar

[0019] Schaar describes a technology for determining the number of transmission bits of SNR encoded and temporally encoded video data within a frame to balance image quality and object motion.

Hazra

[0020] Hazra describes a technology for streaming video from multiple sources over a network.

Laks

[0021] Laks describes a technology for efficiently suppressing noise and improving edge definition in a digitized image.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0022] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Boucher, Schaar, and Hazra

[0023] The Examiner rejects claims 1 and 3-18 under 35 U.S.C. § 103(a) as being unpatentable over Boucher in view of Schaar and further in view of Hazra. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0024] Applicant submits that the combination of Boucher, Schaar, and Hazra does not render this claim obvious because the cited references do not disclose the following elements as recited in this claim, as amended (with emphasis added):

- A method of **transmitting an image** over a compressed video transport, **as part of an image stream**, comprising:
- determining a quality for a portion of the image based on a rate of change associated with the portion of the image, wherein the portion of the image is less than the entire image;

- transmitting the portion of the image at said quality using said transport;
- **determining that the portion of the image did not change in a time period;** and
- **in response to determining that the portion of the image did not change in the time period, generating and transmitting a data block of image enhancement data associated with the portion of the image, such that the data block improves the quality of the portion of the image,** wherein the generating and transmitting are not performed in response to determining that the portion of the image changed during the time period.

[0025] As agreed to in the above-discussed Examiner interview, the amendments to claim 1 overcome the rejection of claim 1 based on Boucher, Schaar, and Hazra. The Examiner indicates in the Advisory Action, however, that Laks, column 11, lines 30-34 teach the claimed elements (i.e., the portion of the image being less than the entire image). Applicant respectfully disagrees.

[0026] Laks, column 11, lines 28-34 states:

Consequently, in portions of image 51 having no features, i.e. $d=0$, the pixel values will not change through the application of the pre-emphasis filter 19. However, the portions of image 51 which do contain transitions or changes in features will be enhanced through the application of the pre-emphasis filter 19.

[0027] To provide additional context, Laks, column 10, lines 51-55 states:

The preemphasis filter 19, as shown in detail in Fig. 6, is most accurately described as the preferential modification of pixel values along transitional boundaries, leaving steady state or featureless areas relatively unmodified.

[0028] The above-cited portion of Laks clearly state that image portions that don't change (i.e., steady state) are not enhanced, but that portions of the image that do change are enhanced. (i.e., the portions of the image 51 which do contain transitions or changes in features will be enhanced...)

[0029] This is directly opposite of language of claim 1, that states that a data block of image enhancement data associated with a portion of the image is generated and transmitted, such that the quality of the portion of the image improves, if the portion of the image did NOT change.

[0030] Consequently, as agreed to in the above-referenced Examiner Interview, the combination of Boucher, Schaar, and Hazra does not disclose all of the claimed elements and features of claim 1, as amended. Furthermore, as discussed above, the claimed elements and features of amended claim 1 are also not disclosed by the Laks reference. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 3-18

[0031] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

New Claim 37

[0032] New claim 37 recites elements similar to those recited in claim 1. Accordingly, claim 37 is allowable over the cited references for reasons similar to those given above with reference to claim 1. Furthermore, claim 37 provides additional clarifying language to enhance the readability and understanding of claim 37.

Dependent Claims

[0033] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0034] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 10/31/07

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